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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/032,423 | 12/31/2001 | Janette Lazarovits | 10793/45 | 8825 |
| 26646 | 7590 | 03/08/2004 | EXAMINER | |
| KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004 | | | CANELLA, KAREN A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1642 | |

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/032,423 | | LAZAROVITS ET AL. | |
| | Examiner | | Art Unit | |
| | Karen A Canella | | 1642 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-162 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-162 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Please note that the claims as submitted are missing a claim 23. The numbering of the claims referred to in the instant action is in compliance with Rule 1.126, however, the examiner no longer has the option of re-numbering the claims for the applicant due to the IFW file format. Therefore a complete response to this restriction requirement must include a properly numbered claim set.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Claims 18-29, 31, 33-48, 50, 60, 67-71, 75-79, 81-85, 95, 102-106, 110-114, 116, 117 and 154 link inventions I-IV. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), 18-29, 31, 33-48, 50, 60, 67-71, 75-79, 81-85, 95, 102-106, 110-114, 116, 117 and 154. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. In re Ziegler, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

I Claims 18-50, 55-71, 75-85, 90-106, 110-117 and 154 drawn to antibodies capable of binding to cancer cells, antibodies coupled or complexed to anti-metastatic, anti-tumor or anti-leukemic agents, pharmaceutical compositions comprising said antibody wherein said antibodies are capable of inhibiting the growth of tumor cells, leukemia cells, metastatic cells, classified in class 530, subclasses 387.1 and 391.1..

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- II. Claims 1-29, 31, 33-48, 50, 51, 60, 67-71, 73, 75-79, 81-85, 86, 95, 102-106, 108 and 110-114, 116, 117 and 154, drawn to antibodies wherein said antibodies are capable of inhibiting inflammation and pharmaceutical compositions comprising antibodies coupled or complexed with anti-inflammatory agents, classified in class 530, subclasses 387.1 and 391.1.
- III. Claims 18-29, 31, 33-48, 50, 52, 60, 67-71, 74-79, 81-85, 87, 95, 102-106, 109-114, 116, 117 and 154, drawn to antibodies wherein said antibodies are capable of inhibiting auto-immune disease and pharmaceutical compositions comprising antibodies coupled or complexed with anti-autoimmune agents, classified in class 530, subclasses 387.1 and 391.1.
- IV. Claims 18-29, 31, 33-48, 50, 53, 54, 60, 67-72, 75-79, 81-85, 88, 89, 95, 102-107, 110-114, 116, 117 and 154, drawn to antibodies wherein said antibodies are capable of inhibiting thrombosis and/or restinosis and pharmaceutical compositions comprising antibodies coupled or complexed with anti restinosis or anti-thrombosis agents, classified in class 530, subclasses 387.1 and 391.1.

Claims 118, 128, 135-140, 144-148, 150 and 151 link inventions V-VIII. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), 118, 128, 135-140, 144-148, 150 and 151. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. In re Ziegler, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.